



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 9/14/2020
 ORM Number: POA-2020-00328
 Associated JDs: POA-2005-01849; POA-2014-00506.
 Review Area Location¹: State/Territory: AK City: Anchorage County/Parish/Borough: Municipality
 Center Coordinates of Review Area: Latitude 61.0704 N Longitude 149.7618 W

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Tributary to Little Rabbit Creek	124 feet	N/A.	N/A.	Tributary with perennial flows that starts as a spring in Lot 14 and flows through french-drainages, roadside-ditches, and wetlands to Little Rabbit Creek (see map attached).

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A.	N/A.	N/A.	N/A.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: **Title(s) and date(s)**
This information **Select.** sufficient for purposes of this AJD.
Rationale: **N/A or describe rationale for insufficiency (including partial insufficiency).**
- Data sheets prepared by the Corps: **Title(s) and/or date(s).**
- Photographs: **Aerial and Other: Aerial imagery from Google Earth & photos taken on July 6, 2020.**
- Corps site visit(s) conducted on: **July 6, 2020**
- Previous Jurisdictional Determinations (AJDs or PJDs): **ORM Number(s) and date(s).**
- Antecedent Precipitation Tool: **provide detailed discussion in Section III.B.**
- USDA NRCS Soil Survey: **Title(s) and/or date(s).**
- USFWS NWI maps: **Title(s) and/or date(s).**
- USGS topographic maps: **Title(s) and/or date(s).**

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	Municipality of Anchorage stream layer.
Other Sources	N/A.

B. Typical year assessment(s): The Municipality of Anchorage has conducted stream surveys in the area for several years and has mapped the area’s drainage system as development has occurred in the area. Maps made by the Municipal Anchorage before the construction of Prominence Pointe shows that there were various headwater springs feeding into a small tributary to Little Rabbit Creek. To allow for the construction of Prominence Pointe development, these tributaries were rerouted into roadside french-drainages designed and constructed deep enough to prevent overflowing and icing problems along the road. Drawings provided to the Corps during the permitting phase of POA-2005-01949 show flows coming from the spring mapped in Lot #14 in 2005.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.
⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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C. Additional comments to support AJD: Lot 14 is located in Little Rabbit Creek watershed. Wetlands located upslope support the hydrology of springs and head-water streams found in various lots (including Lot #14) along Manorwood Pointe Circle, Waterfront Pointe Circle, and Prominence Pointe Drive. During Corps field work conducted on July 6, 2020, we observed a small stream coming out from a spring located in Lot #14; this small stream is approximately 1-foot wide and has a clear Ordinary High Water Mark and surface flows. This stream runs for approximately 21 feet until it leaves Lot #14 through the parcel's west boundary; then it discharges into a ditch along the north side of Waterford Point Circle. Surface water on this ditch was observed for approximately 111 feet before it disappeared into a french-drainage and became subsurface flow. The french-drainage (subsurface flows) follows Waterford Pointe Circle and Prominence Pointe Drive for approximately a 1/3-mile before it daylights as surface waters into a ditch that runs to the north and then to the west along the Right of Way of West 164th Avenue. At the intersection of West 164th Avenue Right of Way and Golden View Drive, the ditch turns north and moves through ditches and wetlands until converges with another 1st grade tributary at longitude 149.776° W and latitude 61.079° N, becoming a 2nd grade tributary. This 2nd grade tributary discharges into Little Rabbit Creek at approximately longitude 149.790° W and latitude 61.081° N. Little Rabbit Creek discharges into the Cook Inlet, a traditional navigable water of the U.S. (see map attached).



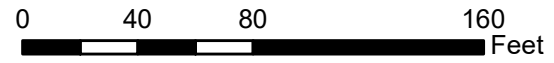
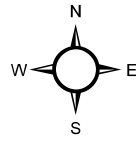
POA-2020-00328

Requestor: Gary Kutil, Remax

Approved Jurisdictional Determination

Prominence Pointe Manorwood Road - Lot #14


September 14, 2020




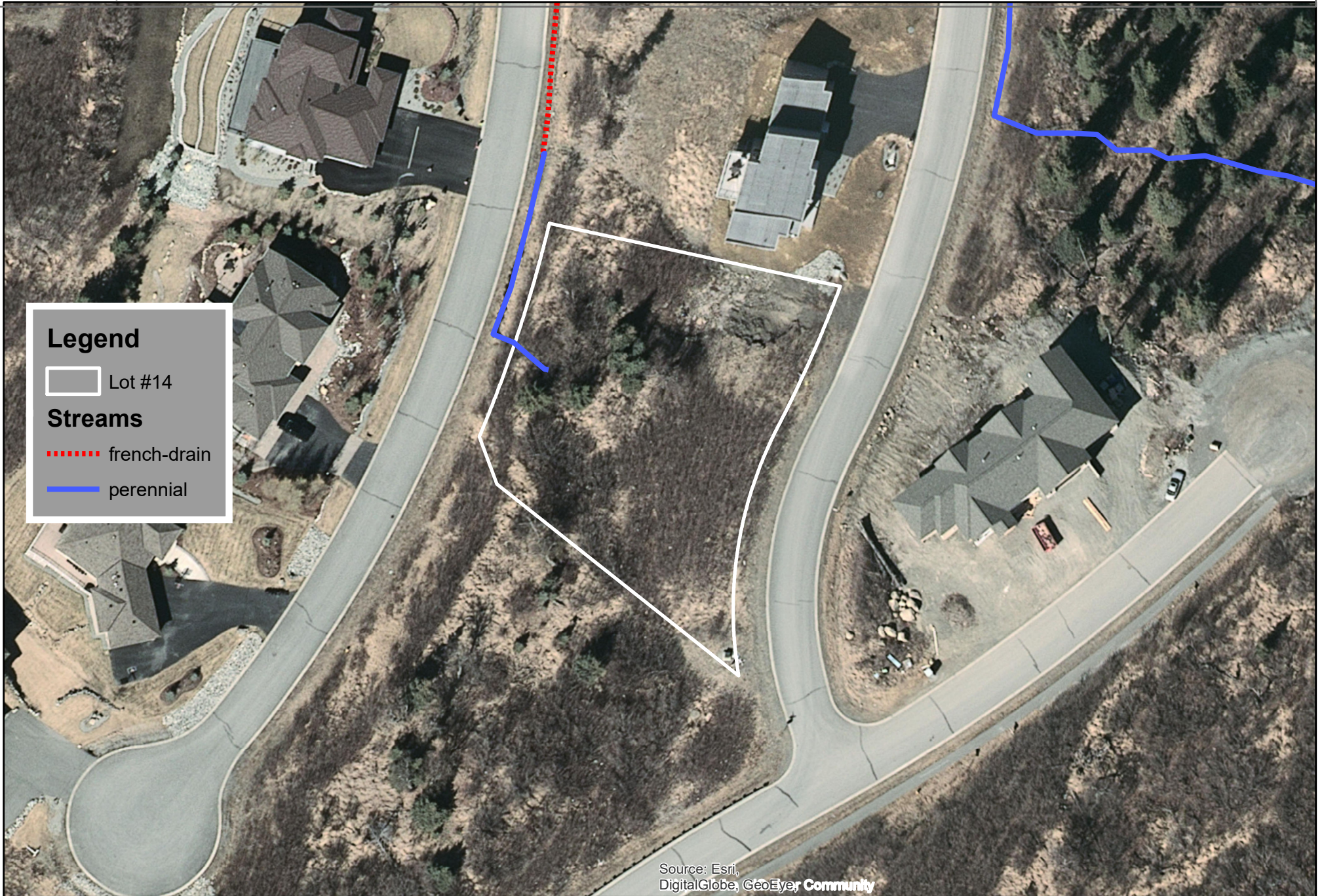
Legend

 Lot #14

Streams

 french-drain

 perennial





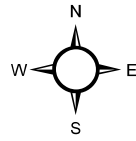
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Prominence Pointe Manorwood Road - Lot #14

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0.25


0.5

Miles





Little Rabbit Creek


Legend

 Lot #14

Streams

 french-drain

 intermittent

 perennial